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Stark County Law Library Association

October 2006

BEGINNERS

Obscenity Law Site

The email address, info@starklawlibrary.org really works! TRY IT!!

The National Obscenity Law Center which is located on the Web at <<http://www.moralityinmedia.org/nolc/>> is: “a privately funded clearinghouse on obscenity law, both civil and criminal. Obscenity opinions are routinely collected, abstracted and incorporated into a case bank index. The Center maintains copies of all reported obscenity cases since 1800. NOLC files also include categories of material and information such as legal memoranda, pleadings and motions, jury selection, jury instructions, expert witness bank, articles, statutes and ordinances.”¹

The purpose of NOLC is:

- “To furnish to prosecutors objective publications so that they may fairly enforce obscenity laws.
- To provide governmental agencies, law enforcement, other interested members of the bar, and members of the

general public, publications regarding current obscenity laws.

- To realize and deserve the reputation of being the most authoritative source on obscenity law matters.
- To serve as an information base for individuals who are doing research on obscenity law.”²

“NOLC makes available selected articles from its bi-monthly "Obscenity Law Bulletin," which contains information, articles, and comments regarding the most recent obscenity cases and related issues. Chapter descriptions and a chapter index from the "Obscenity Law Reporter" are available for free, but the reporter itself is not online. [Subscription price is \$25/year] The site also offers several ordinance construction studies on sexually oriented businesses.”³

The site also contains links to:



BEGINNER**Obscenity Law Site (Cont.)**

- studies on Sexually Oriented Businesses,
- Court Opinion and Brief Index,
- Federal and State Obscenity Statutes,
- the Morality in Media website, and a host of other sites listed under the “Related Links” tab at the top of the home page

INTERMEDIATE**Ultra Wideband**

UWB or ultra wideband is the next-generation wireless connection. This new kid on the radio block also known as digital pulse wireless will “help deliver television programs, movies, games and multimegabyte data files throughout our wireless homes and offices. UWB is faster than current wireless LAN technologies and provides a short-range, high-bandwidth pipe that eliminates interference.”⁴

But currently high data rate UWB is only being used to “enable wireless monitors, the efficient transfer of data from digital camcorders, wireless printing of digital pictures from a camera without the need for an

intervening personal computer, and the transfer of files among cell phone handsets and other handheld devices like personal digital audio and video players.”⁵

One of UWB's defining characteristics is that it requires very little electrical power -- as little as 0.001% as much power as a cell phone. A UWB telephone would use so little power that it could remain on for weeks without needing to be recharged.

A UWB transmitter and receiver must be closely coordinated and synchronized to send and receive pulses with an accuracy of trillionths of a second. The receiver responds only to a familiar pulse sequence. This

INTERMEDIATE Ultra Wideband (Cont.)

makes UWB very secure, which explains why it was once used for clandestine communications by military and espionage agencies.

Eventually, UWB networks are expected to run at speeds up to a gigabit per second and therefore should be able to handle all of the phone, television, and Internet traffic for a home or small business.⁶

I know this isn't terribly important to you right now, but you should be aware of what is

on the horizon as technology changes and improves very quickly and the improved security UWB offers will become an important benefit to legal technology.

An added bonus will be the ability to cleanup the office. "Get rid of the rat's nest of wires connecting your home PC/laptop, keyboard, monitor, speakers, printer, scanner, mouse, etc. are eliminated, as well as the need to physically locate them in the same room."⁷

ADVANCED The Ethics of Metadata



Metadata ethics look very different depending on which side of the metadata you are on and where you happen to be standing.

Some attorneys revere mining metadata as a way to root out wrongdoing with electronic sleuthing and as a valuable tool in e-discovery. Others consider it sneaky and

slimy, akin to picking through rubbish bins or rifling through another attorney's desk.⁸

State Ethics Committees and Bars are just beginning to state their views on metadata. Most state bar associations agree that lawyers should take all necessary precautions to protect client confidences, a duty which



ADVANCED

Ethics of Metadata (Cont.)

includes an obligation to “stay abreast of technical advances and the potential risks.”⁹ This includes deleting metadata before sending documents to opposing lawyers. The problem with this definition is that many lawyers have never heard of metadata and even if they had, have no idea where it is located in their documents and lack the technical savvy to remove it.

Compounding the problem is the fact that many states are still referring to paper communications in their model rules when it comes to what the opposing lawyer can do ethically with communications in electronic format.

In ABA Model Rule 4.4(b) the duty to “promptly notify the sender in order to permit that person to take protective measures” is not limited to privileged or confidential information.

Ethics opinions in some jurisdictions interpret Model Rule 4.4(b) to require lawyers who receive inadvertently transmitted documents to notify the sender, but only if the document

contains privileged or confidential information.¹⁰

Very few states address the question of a document intentionally sent that contains metadata. In Florida lawyers receiving documents are instructed not to view metadata if they know or should know that “the information is not intended for the recipient.”¹¹ Doug Cherry, a member of the Florida Bar’s Computer Law Committee has said “We offered our help to make sure everybody on the committee has an idea of what metadata is. Most people I talk to, once I’ve explained the advantages of it, they think that not all of it is unethical.”¹² For example, metadata in e-mail will reveal the path the message took - who sent it, who received it and when - thus making it possible to reconstruct a chain of communication on a particular issue.

But in New York, “a lawyer may not make use of computer software applications to surreptitiously “get behind” visible documents or to trace e-mail.”¹³

FOOTNOTES

- ¹ “Mission.” About the NOLC. 2001. National Obscenity Law Center and Morality in Media, Inc. 31 August 2006. <<http://www.moralityinmedia.org/nolc/>>. [Click on "About Us" on the top red bar.]
- ² “Purpose.” About the NOLC. 2001. National Obscenity Law Center and Morality in Media, Inc. 31 August 2006. <<http://www.moralityinmedia.org/nolc/>>. [Click on "About Us" on the top red bar.]
- ³ Kreisler, B. “InSite Listing.” Vol. 12, No. 1. Cornell University Law Library. 23 August 2006. Cornell Law Library. 31 August 2006. <<http://www.lawschool.cornell.edu/library/RESOURCES/insite.htm>>.
- ^{4 - 6} Kay, Russell . “QuickStudy: Ultrawideband.” ComputerWorld - Wireless/Mobile. 10 April 2006. Computerworld Inc. 6 September 2006. <<http://www.computerworld.com/mobiletopics/mobilestory/0,10801,110299,00.html>>. Cut and paste the address, commas do not work]
- ⁷ “Ultra-Wideband Use Cases.” UWB Forum. 2004-2006. UWB Forum. 7 September 2006. <http://www.uwbforum.org/index.php?option=com_content&task=view&id=37&Itemid=58>
- ^{8 & 12} Walker, Jessica M. “What's a Little Metadata Mining Between Colleagues?” Law.com Legal Technology. 21 April 2006. ALM Properties, Inc. 20 September 2006. <<http://www.law.com/jsp/legaltechnology/pubArticleLTN.jsp?id=1145538533635>>.
- ^{9 & 10} Hricik, David. “I Can Tell When You’re Telling Lies: Ethics and Embedded Confidential Information.” 30 Journal of the Legal Profession 79.
- ¹¹ Schaeffer, Evan. “Committee of Florida Bar Moves Against Metadata.” Evan Schaeffer’s Legal Underground. 9 May 2006. <http://www.legalunderground.com/2006/05/committee_of_fl.html>.
- ¹³ “Committee on Professional Ethics.” New York State Bar Association. 14 December 2001. New York State Bar Association. 21 September 2006. <http://www.nysba.org/Content/NavigationMenu/Attorney_Resources/Ethics_OpinionsCommittee_on_Professional_Ethics_Opinion_749.htm>.

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